IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 19549 of 2007(B)

---

PETITIONER:

---

1. RAJU KAKKANATTU,
   AGED 53 YEARS,S/O.LATE K.A.KURIAN,RESIDING AT
   KAKKANATTIL,VAZHAPPALLY EAST VILLAGE,
   CHANGANACHERRY TALUK.

2. LIZAMMA RAJU KAKKANATTU,KAKKANATTIL,
   VAZHAPPALLY EAST VILLAGE,CHANGANACHERRY TALUK.

BY ADV. SRI.K.GOPALAKRISHNA KURUP
SRI.S.MANU

RESPONDENTS:

---

1. STATE OF KERALA REPRESENTED BY PRINCIPAL
   SECRETARY,REVENUE DEPARTMENT,GOVERNMENT OF KERALA.

2. THE DISTRICT COLLECTOR,
   KOTTAYAM COLLECTORATE,KOTTAYAM-2.

3. THE REVENUE DIVISIONAL OFFICER,
   KOTTAYAM OFFICE OF THE R.D.O.,KOTTAYAM.

4. THE TAHSILDAR,CHANGANACHERRY TALUK
   OFFICE,CHANGANACHERRY.

BY GOVERNMENT PLEADER SRI.S.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**S.SIRI JAGAN, J**

---

W.P.(C).No. 19549/2007

---

Dated this 26th day of June, 2007

**JUDGMENT**

The petitioner challenges Ext.P7 notice by which the petitioner had been directed to show cause as to why the petitioners should not be evicted from the property covered by Ext.P7. The petitioners have filed Ext.P8 reply also. The petitioners submit that they understand that orders have already been passed directing eviction. The petitioners submit that such orders would be in violation of the principles of natural justice as well as the provisions of the Kerala Land Conservancy Act and Rules.

2. The Land Conservancy Act and Rules provides certain procedure for eviction of unauthorized occupation that would certainly include an opportunity to the petitioners to adduce evidence. Therefore, the fourth respondent has to necessarily give the petitioners an opportunity to adduce evidence and a hearing before a final decision is taken on Ext.P7, after considering the Ext.P8 objection. I hope that the fourth respondent would

certainly do that. The evidence naturally would include Exts. P10 and P11 also which also the fourth respondent is duty bound to consider.

2. In the above circumstances, the writ petition is disposed of directing the fourth respondent to pass fresh orders after considering all the materials placed by the petitioners before him in respect of their case hearing the petitioners and passing a speaking order dealing with the contentions of the petitioners. The petitioners shall also be given one week's time, after communicating final orders to the petitioners to seek their remedies as provided under the Act.

**S.SIRI JAGAN**
**JUDGE**

mrcs